

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

|                           |   |                               |
|---------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA, | ) |                               |
|                           | ) |                               |
| Petitioner,               | ) |                               |
|                           | ) |                               |
| vs.                       | ) | Civil No. 10-cv-00692-DRH-CJP |
|                           | ) |                               |
| PHILLIP L. YARBER,        | ) |                               |
|                           | ) |                               |
| Respondent.               | ) |                               |

ORDER TO SHOW CAUSE

Upon the United States of America's petition to enforce the Internal Revenue Service summons, the declaration of Benjamin L. Chavez, Revenue Agent of the Internal Revenue Service, and the exhibits attached thereto, it is:

ORDERED that the respondent, PHILLIP L. YARBER, shall appear in person before the United States District Court for the Southern District of Illinois on Friday, October 22, 2010 at 9:00 a.m. to show cause why he should not be compelled to obey the Internal Revenue Service summons served upon him on May 10, 2010, and shall bring with him at that time the books, papers, records, and other data described in the Internal Revenue Service summons served upon him on May 10, 2010.

It is further ORDERED that a copy of this order, together with the petition and the exhibits attached thereto, be personally served upon PHILLIP L. YARBER on or before October 6, 2010 and that in accordance with the provisions of Rule 4.1(a) of the Federal Rules of Civil Procedure, such service may be effected by any agent or officer of the Internal Revenue Service. If service cannot be effected by the agent or officer of the Internal Revenue Service, service shall be effected by the United States Marshals Service.

IT IS ORDERED that within 14 days of service of a copy of this order and the petition with exhibits upon him, the respondent, PHILLIP L. YARBER, shall file and serve a written response to the petition supported by appropriate affidavit(s), as well as any motions the respondent desires to make. All motions and issues raised by the respondent will be considered upon the return date of this order. Only those issues raised by motion or brought into controversy by the responsive pleadings and supported by affidavit(s) will be considered at the return of this order, and any uncontested allegations in the petition will be considered as admitted.

**IT IS SO ORDERED.**

Signed this 9th day of September, 2010.

/s/ David R. Herndon

**Chief Judge  
United States District Court**